

GENERAL WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
JULY 2003 AGENDA
Item No. W-14

TITLE: Request by Mill Valley School District to waive portions of <i>Education Code</i> (EC) Section 17466, Sale/Lease of Surplus Property, regarding property disposition of the Homestead School , owned by the Mill Valley School District , in order to continue its existing long term lease to the Marin Horizon School , a private school.	<input checked="checked" type="checkbox"/> ACTION <input type="checkbox"/> INFORMATION <input type="checkbox"/> PUBLIC HEARING <input type="checkbox"/> CONSENT
CDSIS: 14-4-2003	

RECOMMENDATION:

The Department recommends approval on the condition that E.C. 17459, 17462 and 17464(a) are not waived, and that *E.C.* Section 33051(c) will apply for the current lessee only.

Summary of Previous State Board of Education Discussion and Action:

The State Board of Education approved a sale and lease waiver for the Huntington Beach Union High School District at its January 2003 meeting.

Summary of Key Issue(s):

Under the provisions of the General Waiver Authority EC Sections 33050-54, the **Mill Valley School District** requests that portions of the specific language of Education Code Sections 17466 be waived (see attached).

For the past ten years the district has leased its Mill Valley Homestead School, a small school on 2.7 acres, to the **Marin Horizon School**, a private school. However, as the district began to negotiate a lease extension with the same private school, it discovered that the initial lease was made without having first established a surplus property advisory committee and without having declared the site "surplus." The district has since formed the requisite surplus advisory committee, which supports the continued lease of the school to the Marin Horizon School, and is hereby formally completing the property disposition process.

The district-owned Mill Valley Homestead School has been closed since 1981 and is unsuitable for district purposes. All other Education Code requirements have been completed by the district, but this waiver is necessary to eliminate the "bid requirement." The district wishes to negotiate directly with the Marin Horizon School so it can continue its ten-year lease history and continue to serve its students and the community in the best possible manner. This plan had full local support of all public bodies and the community itself.

The district will use the proceeds from the lessee for purposes of capital outlay or maintenance, as specified in Education Code Section 17462.

Bargaining unit(s) consulted on: 02/13/03

Position of bargaining unit (choose only one):

☐ Neutral ☒ Support ☐ Oppose

Name of bargaining unit representative:

Lance Lewis (Mill Valley Teachers Association) and Helen Horch (CSEA)

Public hearing identified by (choose one or more):

☒ posting in a newspaper ☒ posting at each school ☒ other

Mill Valley City Hall; Mill Valley Public Library; Homestead Valley
Community Association; Marin I-J 03/25/03

Public hearing held on: 4/02/03

Local board approval date: 4/02/03

Advisory committee(s) consulted: Surplus Property Advisory Committee

Objections raised (choose one): ☒ None

Date consulted: 12/19/02

Effective dates of request: 7/10/03 to 7/09/05

EC 33052(c) will apply for the current lessee ONLY.

Fiscal Analysis (as appropriate):

Approval of this waiver will benefit the district and students in the district, as the lessee will continue to pay funds to the district that are used in the district in deferred maintenance and other facility needs for the district. In addition if the lease is granted, the **Marin Horizon School** will make costly upgrades to the school, ultimately benefiting the district, as this is a long term lease, not a sale, and the district retains ownership of the even more valuable property and facility.

Background Information:

Documentation is attached to this summary